

06-UBOA-007-A



APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

OCT 5 2006

See Boone County Zoning Regulations SECTION A (To be completed by applicant)

- 1. (Check One) Boone Florence Walton X Union
2. (Check One) X Conditional Use Permit Variance Appeal
3. Applicant's Name THE MCKNIGHT GROUP (MATT DAVIS)
Phone Number (614)-875-1655 Fax No. (614)-875-7006
Applicant's Address 3351 McDowell Rd. GROVE CITY Ohio 43123
4. Description of Request: ADDITIONAL PARKING (60 SPACES)
5. Name of Development GRACE Fellowship Church
6. Location of Development 9379 Gunpowder Road
7. Acreage Under Review
8. Lot Number and Name of Subdivision (if part of a subdivision) N/A
9. Owner of Property GRACE Fellowship Church
Phone Number of Owner (859)-371-7880
10. Address of Property Owner FLORENCE Ky 41042
11. Proposed Use(s) on Site Church
12. Total Square Footage of Existing and/or Proposed Buildings N/A
13. Current Zoning on Property A-2 + RS
14. Deed Book 625 Page No. 89 Group No. 2047
15. Is the site subject to a zone change? NO
If yes, give date of approval N/A
16. Have you submitted a Site Plan with this request? YES
17. Have you submitted a list of adjoining property owners with this request? YES
18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations

Applicant's Signature: [Handwritten Signature]

Property Owner's Signature: [Handwritten Signature] 10/5/06

**BOARD OF ADJUSTMENT AND
ZONING APPEALS ACTION
APPLICATION
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SECTION B (To be completed by the Boone County Planning Commission Staff)

1. Date Received 10-5-06 Fee Received \$ 621.00 RA 51544
2. Is application complete? _____ Yes _____ No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
11/14/06 **Approved**
Approved with Conditions (See #6)
Denial (See #7)
6. Conditions of Approval: SEE 11/14/06 U.B.O.A. meeting minutes

7. Reasons for Denial: _____

**Boone County Planning Commission
Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, Kentucky 41005
(859) 334-2196 - Phone
(859) 334-2264 - Fax
plancom@boonecountyky.org - E-mail
www.boonecountyky.org - Web Page**

NOTE: See Boone County Planning Commission Fee Schedule for Board of Adjustment Fees.

Site Plan Review is not granted by the appropriate Board of Adjustment.

An application consists of all fees paid in full, submitted drawings and a completed application form.

STAFF REPORT

APPLICANT: The McKnight Group
DEVELOPMENT: Grace Fellowship Church
LOCATION: 9379 Gunpowder Road, Boone County, Kentucky
ZONING: Agricultural Estate (A-2) & Rural Suburban (RS)
DATE: November 14, 2006

Proposal

The McKnight Group is requesting a Conditional Use Permit to allow 60 additional parking stalls to be constructed in the rear parking lot of Grace Fellowship Church. The approximate 12 acre site is located at 9379 Gunpowder Road and is split zoned Agricultural Estate (A-2) and Rural Suburban (RS). If the request is approved the total number of parking stalls on the site will increase from 310 to 370.

Site History

- 9/11/96 – The Boone County Board of Adjustment approved a Conditional Use Permit for a 17,000 square foot church, 8,000 square foot Recreational Center, and 363 parking spaces. The facilities were proposed adjacent to and behind an existing house. The Board of Adjustment imposed four conditions of approval on the request (see attachments).
- 5/20/02 – The Union Board of Adjustment approved a Conditional Use Permit which modified the 09/11/96 conditions of approval. The submitted Concept Development Plan showed a 44,940 square foot church, 317 parking stalls, and a softball field. The request was approved with thirteen conditions of approval (see attachments).
- 10/17/02 – The Boone County Planning Commission approves a Major Site Plan for a 26,395 square foot church with 302 parking stalls.
- 6/20/05 – The Union Board of Adjustment approves a Conditional Use Permit for a 22,380 square foot building addition and 116 new parking spaces on the rear of the facility. The approval raised the overall building square footage to 45,467 square feet and the parking to 310 stalls. The request was approved with 11 conditions of approval.
- 7/28/05 – The Boone County Planning Commission approves a Major Site Plan which raises the overall building square footage to 45,467 square feet and the overall parking to 310 stalls.

Applicable Regulations

Article 2, Section 220 of the Boone County Zoning Regulations states that one of the duties of the Board of Adjustment is to grant conditional use permits as specified by the zoning order.

Article 9, Section 923 of the Boone County Zoning Regulations permits "churches, synagogues, temples and other places of religious assembly for worship" as a conditional use within the Rural Suburban (RS) zoning district.

The Board should evaluate the applicant's request as it relates to the criteria necessary for granting a Conditional Use Permit as stated in Sections 262 and 923 of the Boone County Zoning Regulations.

Findings listed in Section 262:

1. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the County's comprehensive plan, a specific corridor plan and/or the zoning order;
2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and shall not change the essential character of the same area;
3. Will not be hazardous to existing or future neighboring uses;
4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately such services;
5. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
6. Will not involve uses, activities, process, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, dust, fumes, glare, or odors;
7. Will have vehicular approaches to the property which shall be so designated as not to create an interference with traffic on surrounding public thoroughfares.

Article 9, Section 923 of the Boone County Zoning Regulations allows churches as a conditional use in the RS district provided that:

- A. The activity is an integral and subordinate function of a permitted recreational or residential use; or
- B. The activity will not contradict the semi-rural character of the district;
- C. Require or contribute to infrastructure needs above than common to the permitted uses of the district;
- D. is of direct relation to and in support of the purpose of the district; and,
- E. the arrangement of uses, buildings or structures will be compatible with the organization of permitted and accessory uses to be protected in the district:

Relationship to the Comprehensive Plan

The 2005 Boone County Comprehensive Plan's "2025 Future Land Use Plan" designates the majority of the site for "Public/Institutional" uses and smaller portions of the site for "Suburban Residential" and "Urban Density Residential" uses. These designations are described as follows:

Public/Institutional – Government offices, schools, libraries, churches, cemeteries, fairgrounds, maintenance areas, etc.

Suburban Residential – "single-family housing of up to four units per acre. This classification does not preclude low density or estate residential developed as a formal subdivision."

Urban Density Residential – "attached housing, generally condominiums or apartments, of over 8 dwelling units per acre.

Surrounding Land Uses and Zoning

North: Plantation Pointe (RPD/CD)

South: Single-Family Residential (A-2 & RS)

East: Gunpowder Rd. & Single-Family Residential Fronting on Sunnybrook Dr. (SR-1)

West: Plantation Pointe (RPD/CD)

Site Characteristics

The approximate 12 acre site contains a 45,467 square foot church and 310 parking stalls. The southeastern portion of the site contains a grass recreational area which immediately adjoins Gunpowder Creek. Access to the church is provided from a long asphalt driveway which connects to Gunpowder Road. The driveway contains one ingress lane and two egress lanes.

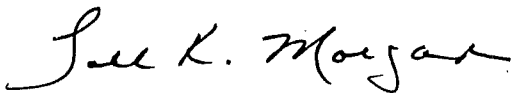
Staff Comments

1. The Union Board of Adjustment needs to issue another Conditional Use Permit because the last Concept Plan showed that there would only be 310 parking spaces on the site.
2. Staff would like the church to address if they are experiencing parking shortages when they are having Sunday church service.
3. Staff would like the applicant to address if any additional parking lot lighting is being proposed.
4. The proposed parking addition is located in a grass area which lies between two driveway aisles that connect the side parking lots to the rear parking lot. Staff believes that the parking lot addition will not adversely impact adjoining properties because it is surrounded by the existing parking lot.
5. If the Board grants approval of the request, a Major Site Plan application will need to be submitted to the Boone County Planning Commission. This plan will need to address driveway and parking requirements, landscaping, storm water management, lighting, etc.

Conclusion

KRS 100.237 and Sections 220 of the Boone County Zoning Regulations gives the Union Board of Adjustment and Zoning Appeals the authority to grant the Applicant's request for a Conditional Use Permit.

Respectfully submitted,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

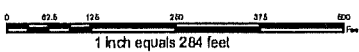
TKM/pr

Attachments

- Aerial Map
- Concept Development Plan
- Zoning Map
- Future Land Use Map
- 9/11/96 Conditions of Approval
- 5/20/02 Conditions of Approval
- 6/20/05 Conditions of Approval
- 6/20/05 Concept Development Plan
- Application

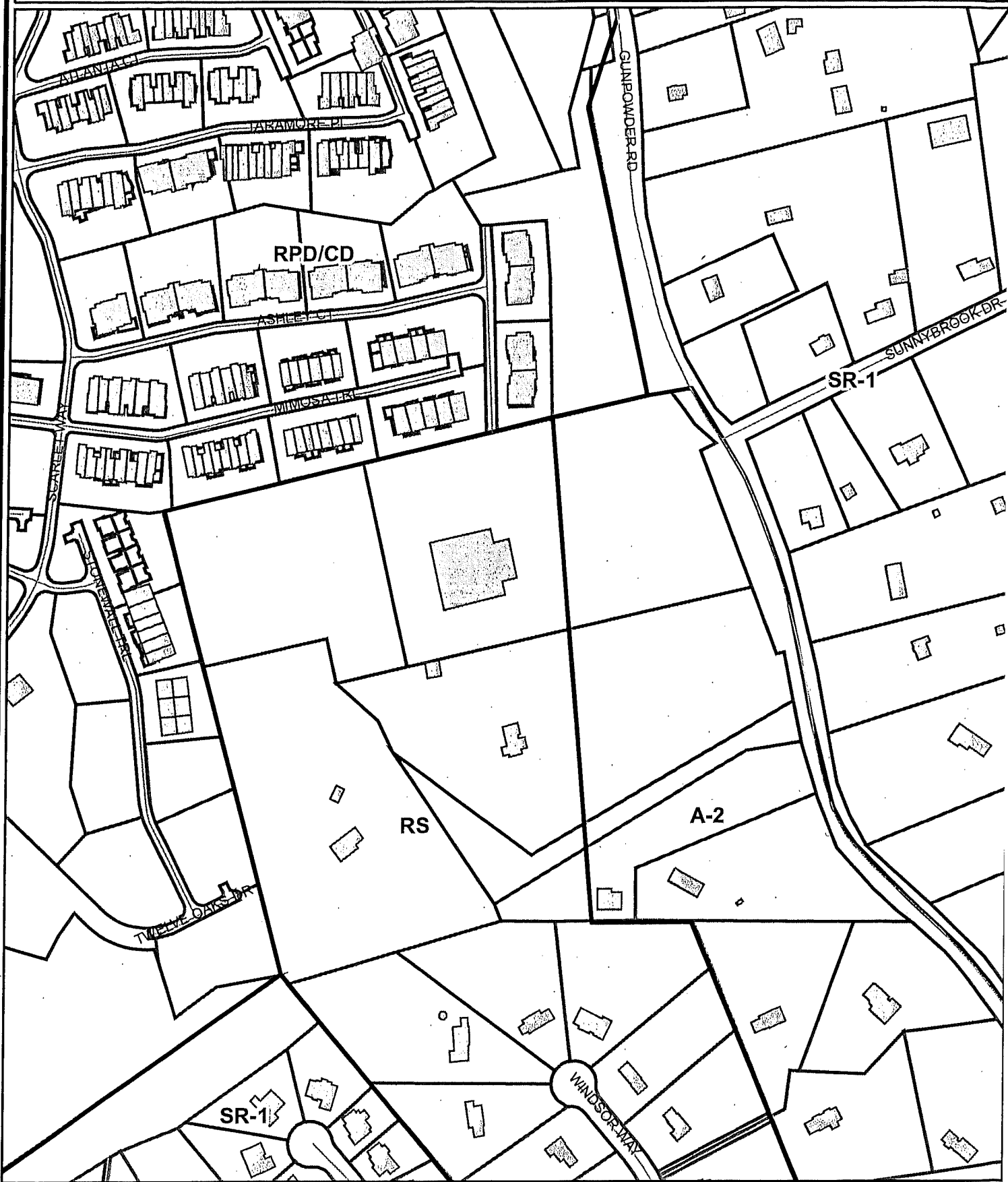


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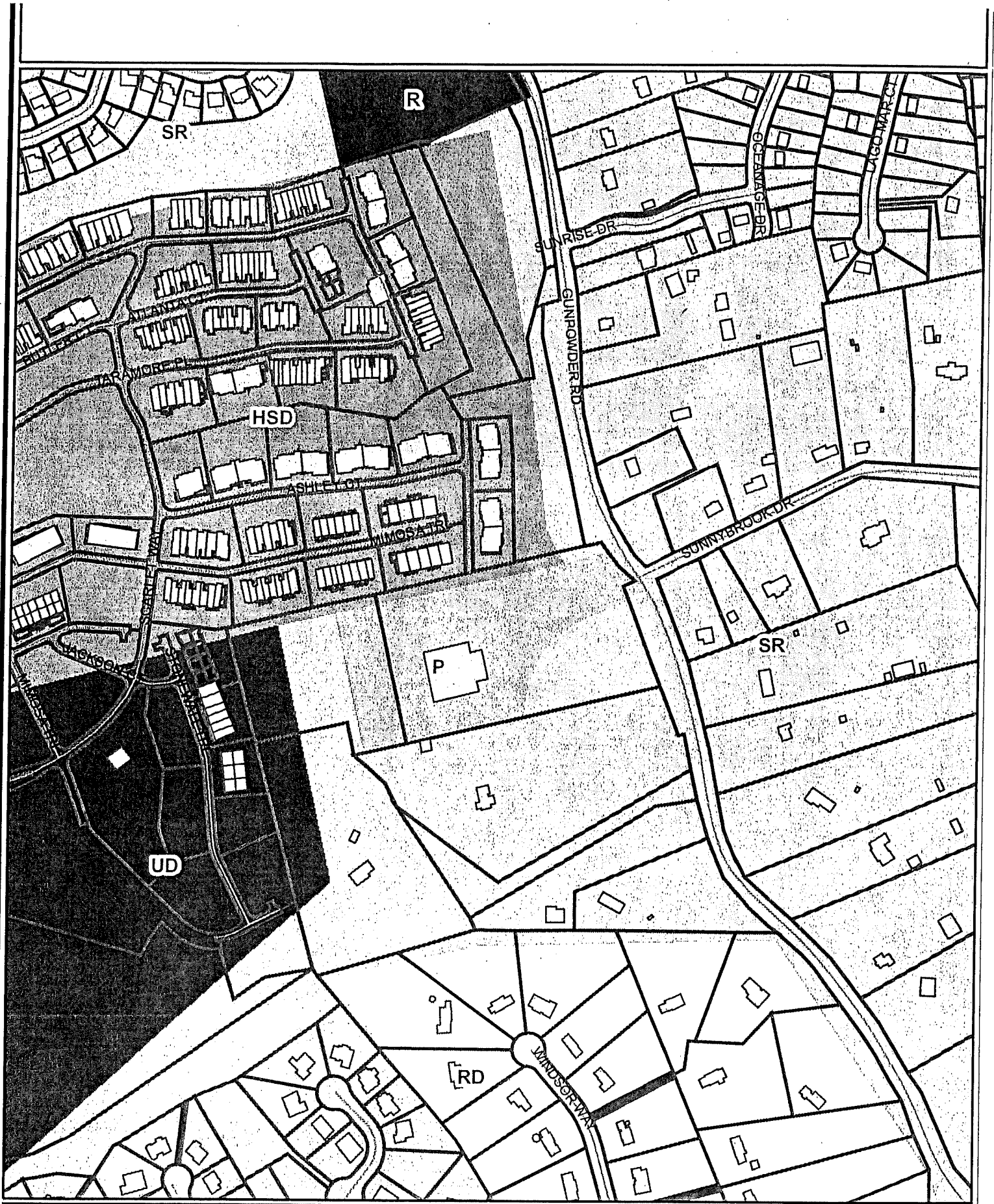
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0 62.5 125 250 375 500 Feet

1 inch equals 284 feet

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0 80 160 320 480 640 Feet

1 inch equals 376 feet

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Set in Plano Kentucky North NAD 1983

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Conditional Use Permit as approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of September 11, 1996 Certificate of Land Use Restriction (# 96-BCBOA-016-A), for Darrell L. and Vickie Vater, Property Owner

The following conditions will apply: (1) That the building not exceed 17,000 square feet as presented, (2) that there be screening, and that the parking lots will not be closer than 50 feet from the property line. (3) The building is to be constructed of masonry material. (4) The church sign is to be of monument style and shall not exceed 32 square foot.

The approved Conditional Use Permit as well as the preceding conditions apply to the property

described in: DEED BOOK 245

PAGE NO. 3


Group No. 2047

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Conditional Use Permit approved by the Union Board of Adjustments and in accordance with the current zoning in effect as of May 20, 2002 Certificate of Land Use Restriction (#02-UBOA-001-A), for Grace Fellowship Church, Property Owner(s).

The following conditions will apply:

- 1) The total square footage of the building is to be no greater than 27,000 square feet.
- 2) The number of parking spaces is limited to three hundred and seventeen.
- 3) There is to be a six-foot tall cedar fence for the length of the improvements (building and parking) on the south side of the property and it is to be five feet back from the property line on the church side.
- 4) The five feet between the fence and the property line is to be seeded.
- 5) The softball field is limited to church use only; no leagues, no lights, no dirt diamond, no fence.
- 6) The maximum height of any light standard on the parking lot shall not exceed twelve feet.
- 7) Cutoff shields must be provided on all light standards on the parking lot.
- 8) A photometric plan will be required during Site Plan Review. The average foot candle measurements permitted for the parking lot will be 3.6 and along all property lines will be 1.0 or less.
- 9) The architecture of the building is based on the conceptual rendering. The back wall can be made of a different material (metal) to allow for expansion of the west wall.

- 
- 10) The applicant is to work with the state or county to improve the sight distance of the egress point.
 - 11) A major Site Plan Review is required.
 - 12) The applicant is to talk to the applicable state agency about replacing and upgrading the bridge that crosses Gunpowder Creek.
 - 13) The landscaping buffer on the northern property line will be twenty feet wide and will run approximately 560 linear feet between the rear of the parking lot and the bend in the church driveway. The buffer is to contain five evergreen trees and one deciduous tree per 100 linear feet. In addition a three foot tall berm is required.

The approved Conditional Use Permit as well as the preceding conditions apply to the property described in:

DEED BOOK 245

PAGE NO. 3

GROUP NO. 2047

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Conditional Use Permit approved by the Union Board of Adjustments and in accordance with the current zoning in effect as of June 20, 2005 Certificate of Land Use Restriction (#05-UBOA-001-A), for Grace Fellowship Church, Property Owner(s).

The following conditions will apply:

- 1) The tree missing from the original approval is to be replaced.
- 2) There are to be no entrances other than the existing driveway to and from the church.
- 3) The maximum height of any proposed light standard shall not exceed 12 feet.
- 4) Cutoff shields must be provided on all light standards.
- 5) A photometric plan will be required during the Site Plan Review process. The average foot candle measurements for the parking lot cannot exceed 3.6 and foot candle measurements at the property lines cannot exceed 1.0.
- 6) A 40-foot wide landscape buffer will be required along the rear property line and will contain a 3-foot berm and 5 deciduous trees and 8 evergreen trees per 100 linear feet.
- 7) Twenty-foot wide landscape buffers will be required along the sides of the parking lot addition and will contain a 3-foot berm and 5 evergreen trees and one deciduous tree per 100 linear feet.
- 8) There is to be no public assembly activities on the property after 11 PM.
- 9) The building elevations are to be consistent with what was presented at the 6/20/05 Union Board of Adjustment meeting.
- 10) All conditions from the May 20, 2002 approval not affected by the new conditions will remain in effect.
- 11) The garbage container is to be moved to the southernmost corner of the southern access point to the new parking lot and it is to be fenced and gated as it is now. The dumpster may face in any direction the church chooses.

The approved Conditional Use Permit as well as the preceding conditions apply to the property described in:



APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

OCT 5 2006

See Boone County Zoning Regulations SECTION A (To be completed by applicant)

- 1. (Check One) Boone Florence Walton X Union
2. (Check One) X Conditional Use Permit Variance Appeal
3. Applicant's Name The McKnight Group (Matt Davis)
4. Description of Request: Additional Parking (60 stalls)
5. Name of Development Grace Fellowship Church
6. Location of Development 9379 Gunpowder Road
7. Acreage Under Review
8. Lot Number and Name of Subdivision (if part of a subdivision) N/A
9. Owner of Property Grace Fellowship Church
10. Address of Property Owner Florence Ky 41042
11. Proposed Use(s) on Site Church
12. Total Square Footage of Existing and/or Proposed Buildings N/A
13. Current Zoning on Property A-2 + RS
14. Deed Book 625 Page No. 89 Group No. 2047
15. Is the site subject to a zone change? NO
16. Have you submitted a Site Plan with this request? YES
17. Have you submitted a list of adjoining property owners with this request? YES
18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations

Applicant's Signature: [Signature]
Property Owner's Signature: [Signature] 10/5/06

COPY

CLUR #06-UBOA-002-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Grace Fellowship Church
9379 Gunpowder Road
Florence, KY 41042

2. ADDRESS OF PROPERTY

9379 Gunpowder Road
Florence, KY 41042

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Grace Fellowship Church

4. DEED BOOK 625

PAGE NO. 89

GROUP NO. 2047

5. TYPE OF RESTRICTION(S) (Check all that apply)

Zoning Map Amendment:
From _____ To _____

Conditional Use Permit

Development Plan

Conditional Zoning

Subdivision Plat
(Not Recorded)

Other:

Variance

6. NAME AND ADDRESS OF PLANNING COMMISSION, BOARD OF ADJUSTMENT, LEGISLATIVE BODY OR FISCAL COURT WHICH MAINTAINS THE ORIGINAL RECORDS CONTAINING THE RESTRICTION

BOONE COUNTY PLANNING COMMISSION
2950 WASHINGTON STREET, ROOM 317
P.O. BOX 958
BURLINGTON, KENTUCKY 41005

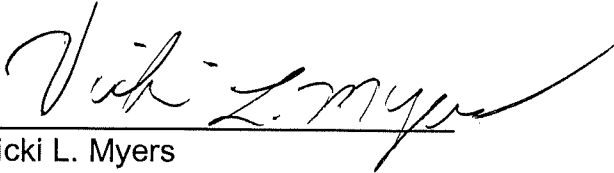
Todd K. Morgan
SIGNATURE OF COMPLETING OFFICIAL

Todd K. Morgan, Senior Planner, Zoning Services
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 27 day of November, 2006.



Vicki L. Myers
Vicki L. Myers
NOTARY PUBLIC, State at Large

My commission Expires:
April 17, 2007

This instrument was prepared for recording purposes only by:



Debbie A. Warning
Debbie A. Warning
Boone County Planning Commission
2950 Washington Street, Room 317
P.O. Box 958
Burlington, Kentucky 41005

NO TITLE EXAMINATION

(Legal Description and source of Title and Group Number furnished by the applicant.)

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Conditional Use Permit approved by the Union Board of Adjustments and in accordance with the current zoning in effect as of November 14, 2006 Certificate of Land Use Restriction (#06-UBOA-002-A), for Grace Fellowship Church, Property Owner(s).

The following conditions will apply:

- 1) A lighting and photometric study is to be submitted.
- 2) Any new lighting must match the existing lighting.
- 3) A major Site Plan Review Application that meets all of the requirements must be submitted.

The approved Conditional Use Permit as well as the preceding conditions apply to the property described in:

DEED BOOK 625 PAGE NO. 89 GROUP NO. 2047